

REMARKS

Applicant respectfully requests entry of this Amendment and reconsideration of this application, as amended.

Claims 1 to 5 and 7 to 20 are currently pending in this application. Claim 6 has been withdrawn from consideration and canceled. Claims 2, 3, 7, 8, 10-12, and 14-20 have been amended to overcome the rejections under 35 U.S.C. 112. Claims 12, 13, and 14 have been amended to change the dependency from claim 10 to claim 11.

The Examiner is thanked for the courteous telephonic interview extended on January 31, 2006. Applicant noted claims 12 and 14 have not been rejected over the prior art of record. The amendments to the present claims were discussed with the Examiner

Restriction Requirement

Applicant confirms election without traverse of claims 1-5 and 7-20. Accordingly, claim 6 has now been canceled in order to advance prosecution.

Rejection Under 35 U.S.C. 112

Claims 2, 3, and 7 to 20 have been rejected under 35 U.S.C. 112, second and sixth paragraphs, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention. Reconsideration is respectfully requested.

The claims in the present application have now been amended to delete reference to the term "trolley" and insert the term --rotatable means--.

Claims 8, 10, 14, and 16 to 20 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as his invention. Reconsideration is respectfully requested.

Claim 8 has been amended to incorporate "said first and second rotatable means." The term "conveyor" has been deleted and the term --conveying means-- has been inserted. Claims 16 to 20 have been amended to include a method step. The term "concentric" has been deleted in claims 14 and 17.

In view of the above, withdrawal of the rejections under 35 U.S.C. 112, second and sixth paragraphs, is respectfully requested.

Rejection Under 35 U.S.C. 102

Claims 1, 4, 7 to 9, and 15 to 20 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,277,416 to Rutten, which teaches a charging design for storage bunkers for the delivery of lumpy or granular solid. As shown in Figure 3 of Rutten, it is possible to charge bunkers of a larger horizontal sectional area by means of a smaller distribution apparatus. With a small distribution apparatus it is assumed that the corners of the storage bunker are well filled (page 2, lines 10 to 43). Figure 3 discloses a single storage bunker, not a plurality of storage bunkers. There is no disclosure anywhere in Rutten to a plurality of storage bunkers.

The present invention relates to a conveying system for distributing material into any bin in a horizontal array of storage bins. Unlike the Rutten reference, independent claims 1, 7, and 15 of the present invention all recite a plurality of storage receptacles. The plurality of storage receptacles, as recited in Applicant's claims, is clearly not anticipated by Rutten.

In view of the above, withdrawal of this rejection under 35 U.S.C. 102 (b) is respectfully requested.

Claims 1 to 4, 7 to 9, 11, and 15 to 20 have been rejected under 35 U.S.C. 102 (b) as being anticipated by U.S. Patent No. 4,082,181 to Berthold et al. (Berthold) which teaches a ship-loading installation having a circular track rail 13 next to a ship to be

loaded.

Independent claims 1, 7, 11, and 15 all recite a circular guide means supported above and between said plurality of storage receptacles. Support for the language "and between" can be found in Applicant's Figures 1 to 5. However, in the Berthold reference, the circular track is located off to the side of the ship (as shown in Figure 2). The circular guide means, as recited in Applicant's claims, is clearly not anticipated by Berthold.

In view of the above, withdrawal of this rejection under 35 U.S.C. 102 (b) is respectfully requested.

Rejection Under 35 U.S.C. 103

Claims 5 and 10 has been rejected under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 2,277,416 to Rutten in view of U.S. Patent No. 3,435,967 to Sackett which teaches a transversely operating and traveling conveyor system with a reversible belt.

Sackett fails to overcome the deficiencies of the primary reference, Rutten. There is no disclosure in Sackett to a circular guide system. The conveyor system in Sackett is reversible in order to change the discharge end. There is no motivation to combine the conveying system of Sackett with the conveying system of Rutten, as the conveying system of Rutten has variable distribution points.

Claims 5, 10, and 13 have been rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent No. 4,082,181 to Berthold et al. (Berthold) in view of U.S. Patent No. 312,387 to Rowell which teaches an elevator with pulleys and guides for loading and unloading ships.

Again, Rowell fails to overcome the deficiencies of the primary reference, Berthold. There is no disclosure in Rowell to a circular guide system. The conveyor system in Rowell is reversible in order to change the discharge end. There is no

motivation to combine the conveying system of Rowell with the conveying system of Berthold, as the conveying system of Berthold has variable distribution points.

Given the foregoing shortcomings of Rutten, Berthold, Sackett, and Rowell, it is respectfully submitted that Rutten, Berthold, Sackett and/or Rowell fail to disclose or suggest the invention of claims 1 to 5 and 7 to 20. Accordingly, withdrawal of the rejections under 35 U.S.C. 112, 35 U.S.C. 102 (b) and 35 U.S.C. 103(a) is respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that the present claims describe a conveying system for distributing material into any bin in a horizontal array of storage bins that meets the requirements of patentability. Applicant therefore respectfully requests that a timely Notice of Allowance be issued in this case.

Any comments or questions concerning the application can be directed to the undersigned at the telephone number given below.

Respectfully submitted,



Lori F. Cuomo
Attorney for Applicant
Registration No. 34,527
(703) 584-3279

Customer number 25570
Roberts, Mlotkowski and Hobbes
8270 Greensboro Drive
Suite 850
Fairfax, VA 22102